IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

W.P(C).No. 2705 of 2007(V)

PETITIONER:

SUBHADRA, W/O. NARAYANANKUTTY,
AGED 46 YEARS, ERUPATHILCHIRA HOUSE,
KIDANGARA P.O., VELIYANADU,
ALAPPUZHA DISTRICT.

BY ADV. SRI.GEORGE SEBASTIAN

RESPONDENTS:

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1. ADDITIONAL DISTRICT MAGISTRATE
ALAPPUZHA.

2. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, KSEB,
MANCOMBU, ALAPPUZHA DISTRICT.

3. SMT.KUNJAMMA GOPALAN,
ERUPATHILCHIRA, KIDANGARA P.O.,
VELIYANADU, ALAPPUZHA DISTRICT.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB
SRI.K.A.SALIL NARAYANAN
GOVERNMENT PLEADER SMT.M.K.PUSHPALETHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE BILL FOR OYEC PAYMENT MADE BY THE PETITIONER'S HUSBAND ON 15/2/2005.

EXT.P2: COPY OF THE WRITTEN OBJECTION DATED 17/5/06 FILED BY THE PETITIONER.

EXT.P3: COPY OF THE ORDER DATED 15/1/07 PASSED BY THE 1ST RESPONDENT.

TRUE COPY

P.A.TO JUDGE

K.BALAKRISHNAN NAIR, J.

WP(C).No.2705 of 2007-V

Dated this the 13th day of February, 2007.

JUDGMENT

The petitioner has approached this court challenging Ext.P3 order passed by the Additional District Magistrate dated 15-1-2007 permitting drawing of electricity line, through her property, to provide connection to the third respondent.

2. It is not in dispute that after the hearing of the matter, the Additional District Magistrate called for a report from the Tahasildar and relying on it, the impugned order has been passed. Of course, the Additional District Magistrate may collect materials from any source, but if it is adverse to a party, before relying on it, the party should be put on notice. It is common case that after the receipt of notice, no hearing was held. In view of the above position, Ext.P3 is passed in violation of the principles of natural justice. Accordingly, it is quashed. The first respondent will afford an opportunity of being heard to the petitioner, respondents 2 and 3 and pass fresh orders in the matter within one month from the date of production of a copy of this judgment. The contents of the report of the Tahasildar shall be made available to both sides.

The writ petition is disposed of as above.

K.BALAKRISHNAN NAIR,
MS JUDGE.